

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ALMONDNET, INC. and
INTENT IQ, LLC,

Plaintiffs,

v.

AMAZON.COM, INC.; AMAZON.COM
SERVICES LLC; and AMAZON WEB
SERVICES, INC.,

Defendants.

Case No. 6:21-cv-00898-ADA

JURY TRIAL DEMANDED

CORRECTED JOINT STIPULATION TO MODIFY SCHEDULING ORDER

Plaintiffs AlmondNet, Inc. and Intent IQ, LLC and Defendants Amazon.com, Inc.; Amazon.com Services LLC; and Amazon Web Services, Inc. have agreed to have the deposition of plaintiffs' expert Dr. Koskinen on August 15, 2023, due to unavailability of the witness during the expert discovery period. The parties have also agreed to a modest modification of the dispositive motion and Daubert motion date, as set forth in Exhibit A, to accommodate the use of that testimony with such motions. No hearing or other court date is impacted by the agreed-upon modifications to the schedule. The parties respectfully request that the Court enter the proposed scheduling order attached as Exhibit A.

Dated: July 10, 2023

Respectfully submitted,

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By: /s/ Eric Menist

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AMAZON WEB SERVICES, INC.*

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-5, I hereby certify that, on July 10, 2023, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system.

/s/ Amy E. Hayden

Amy E. Hayden

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
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ALMONDNET, INC. and
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AMAZON.COM, INC.; AMAZON.COM
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Defendants.

Case No. 6:21-cv-00898-ADA

JURY TRIAL DEMANDED

AMENDED SCHEDULING ORDER

Pursuant to the Amended Standing Order Regarding Joint or Unopposed Request to Change Deadlines (dated March 7, 2022), the Court hereby **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

Deadline	Item
January 5, 2022	Plaintiff serves preliminary ¹ infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
February 8, 2022	The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.

¹ The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served, and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

Deadline	Item
February 10, 2022	Plaintiff reduces the asserted claims to no more than 50 claims per defendant.
April 7, 2022	Defendants serve preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendants contend are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendants contend are directed to ineligible subject matter under section 101. Defendants shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
April 21, 2022	Parties exchange claim terms for construction.
May 5, 2022	Parties exchange proposed claim constructions.
May 12, 2022	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. ² With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
May 19, 2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
May 26, 2022	Defendants file Opening claim construction briefs, including any arguments that any claim terms are indefinite.
June 16, 2022	Plaintiff files Responsive claim construction brief.
June 30, 2022	Defendants file Reply claim construction briefs.
July 14, 2022	Plaintiff files a Sur-Reply claim construction brief.
July 19, 2022	Parties submit Joint Claim Construction Statement. <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
July 28, 2022	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).
August 19, 2022	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
September 29, 2022	Deadline to add parties.
November 30, 2022	<i>Markman</i> Hearing at 2:00 p.m.
December 8, 2022	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
January 26, 2023	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.

² Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Deadline	Item
February 16, 2023	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
March 10, 2023	Defendants may amend their answer to include a license-based affirmative defense on or before this date.
June 2, 2023	Close of Fact Discovery.
June 16, 2023	Opening Expert Reports.
July 28, 2023	Rebuttal Expert Reports.
August 11, 2023	Close of Expert Discovery.
August 11, 2023	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
August 23, 2023	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
August 25, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
August 28, 2023	Parties email the Court's law clerk to confirm pretrial and trial dates
September 6, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.
September 13, 2023	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
September 20, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>
September 20, 2023	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
September 27, 2023	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
October 2, 2023	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
October 23, 2023	Jury Selection/Trial. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.